

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JUSTIN MARCUS ZINMAN,

Plaintiff,

v.

LLAMAS, *et al.*,

Defendants.

Case No. 1:24-cv-00549-BAM (PC)

ORDER STRIKING UNSIGNED COMPLAINT
(ECF No. 1)

ORDER TO FILE SIGNED COMPLAINT

THIRTY (30) DAY DEADLINE

Plaintiff Justin Marcus Zinman (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff initiated this action on May 6, 2024 in the Sacramento Division of the United States District Court for the Eastern District of California. (ECF No. 1.) Plaintiff paid the filing fee for this action. On May 9, 2024, the action was transferred to the Fresno Division. (ECF No. 3.)

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity and/or against an officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). In preparing to screen the complaint, the Court noted that Plaintiff’s complaint lacks any signature. Both the Federal Rules of Civil Procedure and this Court’s Local Rules require that all filed pleadings, motions and papers be signed by at least one attorney of record or by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). As Plaintiff’s complaint is unsigned, the Court must strike it from the record. Plaintiff will be

permitted **thirty (30) days** to file a signed complaint that complies with Federal Rules of Civil Procedure and the Local Rules.

Based on the foregoing, it is HEREBY ORDERED that:

1. Plaintiff's complaint, filed May 6, 2024, (ECF No. 1), is STRICKEN from the record for lack of signature;
2. The Clerk of the Court is directed to send to Plaintiff a civil rights complaint form;
3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file a **signed** complaint (or a notice of voluntary dismissal), **not to exceed twenty-five (25) pages in length** (excluding exhibits); and
4. **Plaintiff is warned that the failure to comply with this order will result in dismissal of this action for failure to obey a court order and for failure to prosecute.**

IT IS SO ORDERED.

Dated: May 13, 2024

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE